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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE
Legal Sub-Committee

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

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INTRODUCTION

1. With a view to facilitating the work on the agenda item entitled "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries", the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space, at its twenty-eighth session in 1989, had recommended (A/AC.105/430, para. 53 (b)) that the General Assembly request the Secretary-General to seek the views of Member States on the subject of international agreements that Member States have entered into that are relevant to the principle that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, taking into particular account the needs of developing countries.

2. On 8 December 1989 the General Assembly adopted resolution 44/46 entitled "International co-operation in the peaceful uses of outer space". In operative paragraph 5 of that resolution, the Assembly endorsed the recommendations contained in the report of the Legal Sub-Committee on the method of work concerning the above-mentioned agenda item.

3. Pursuant to resolution 44/46, the Secretary-General, on 20 December 1989, addressed a note to the permanent representatives of States Members of the United Nations, inviting their Governments to submit their views on the above subject no later than 15 February 1990.

4. The replies to the Secretary-General's note received from Governments as of 15 February 1990 are reproduced below.

5. Replies received after 15 February 1990 will be contained in addenda to the present report.

I. REPLIES RECEIVED FROM GOVERNMENTS

CHILE

[Original: Spanish]

[18 January 1990]

The position of the Government of Chile is set forth in document A/42/185, entitled "International co-operation in the peaceful uses of outer space", and in document A/AC.105/C.2/L.162, submitted by the Group of 77 to the Legal Sub-Committee at its twenty-sixth session.

READEX FICHE

SPAIN

[Original: Spanish]

[9 February 1990]

Over the past year the Spanish Government has not entered into any international agreement relating to the principle that "The exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, taking into particular account the needs of developing countries".

SYRIAN ARAB REPUBLIC

[Original: Arabic]

[14 February 1990]

The State Organization for Remote Sensing in the Syrian Arab Republic supports the international agreements relating to the exploration and peaceful uses of outer space so that the legitimate interests of all countries and their sovereign equality are safeguarded and any disputes that might arise are settled in an amicable and peaceful manner through sincere co-operation, while recognizing the need for assistance to the developing countries, particularly in the application of remote-sensing techniques, including the need to train those working in the field and to facilitate access to equipment, information, space imagery and all that relates to the application of such techniques.

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CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

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CHINA

[Original: Chinese]

[1 March 1990]

In response to the request in General Assembly resolution 44/46 relating to international agreements entered into by Member States that are relevant to the principle that the exploration and use of outer space should be carried out for the benefit of all States, taking into particular account the needs of developing countries, the Chinese Government wishes to communicate the following:

1. China is a party to the following international treaties on outer space activities: the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies; the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space; the 1972 Convention on International Liability for Damage Caused by Space Objects; and the 1975 Convention on Registration of Objects Launched into Outer Space.

2. The Chinese Government or the relevant governmental departments have signed agreements or memoranda of understanding on co-operation in space science and technology with the Governments or the relevant governmental departments of France, the Federal Republic of Germany, Italy, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and other countries. The principles to which China adheres in such State-level co-operation are equality, mutual advantage and mutual benefit, as stipulated in article 1 of the Protocol of co-operation in space science and technology between China and Italy: "Each Contracting Party shall, on the basis of reciprocity and of mutual advantage and taking into account its own possibilities and the present mutual interests, promote and facilitate co-operation in the space field between their respective Countries."

3. The Governments of China and Brazil have concluded a protocol on the manufacture of an Earth resources satellite: the Chinese Space Technology Research Institute and the Brazilian Space Institute are now carrying out plans for the joint manufacture of an Earth resources satellite. The Chinese and Argentine Governments have signed an agreement on co-operation in space science research and applications, in which the two parties agree "in conformity with the laws and regulations of the two countries, on the basis of equality and mutual advantage and with a view to the peaceful use of outer space, to expand exchanges, co-operation and trade in the domain of space science and technology".

4. To facilitate Chinese launches of Asian (owned by a company based in Hong Kong) and Australian satellites manufactured by the United States, the Chinese and United States Governments have signed a memorandum of agreement on the international trade aspects of commercial launch services, a memorandum of agreement on the security of satellite technology and a memorandum of agreement on responsibility for satellite launchings. It should be pointed out that these agreements have resolved several of the major outstanding questions in current

international space treaties. The memorandum of agreement on the international trade aspects of commercial launch services also lays down the following non-discriminatory principles:

"(1) The United States declares that its commercial launch department may not unfairly discriminate against any international user or commercial supplier, and that the policy of the United States Government is not to encourage the United States commercial launch department to engage in this kind of unequal discrimination.

"(2) China, in complying with the undertakings below, shall correspondingly request its commercial launch department not to discriminate unfairly against any international user or commercial supplier."

CZECHOSLOVAKIA

[Original: English]

[7 March 1990]

No legal regulations have been adopted in Czechoslovakia that would be related to the implementation of the above principle. Regarding contractual instruments adopted beyond the framework of the United Nations, Czechoslovakia is a party to the Agreement on co-operation in the exploration and uses of outer space for peaceful purposes, concluded in Moscow on 13 July 1976 and registered with the Secretary-General by the depositary Government (the Union of Soviet Socialist Republics) on 25 January 1985 under the number 23235.

PAKISTAN

[Original: English]

[7 March 1990]

Pakistan has entered into a number of international agreements/conventions concerning outer space. Of these, the agreements specifically relevant to the principle that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, taking into particular account the needs of the developing countries, are: (a) Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI) of 19 December 1966); and (b) Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (General Assembly resolution 34/68 of 5 December 1979).

The areas to be discussed during the initiation of the discussions on this agenda item during the forthcoming session of the Legal Sub-Committee may comprise the following:

(a) Distinction between space-oriented and Earth-oriented activities of States, and between the "use of outer space" and "use of objects" for the exploration of resources;

(b) Requirements of an international agreement to implement the principle of "benefits and interests of all countries" and basis for equitable sharing of such benefits by all States;

(c) Promotion of international co-operation, particularly involving the developing States, especially to enable them to participate in the international space programmes.

SWEDEN

[Original: English]

[21 February 1990]

Sweden is a party to the following international agreements relating to the peaceful uses of outer space (in order of ratification):

1. Treaty on Principles Governing the Activities of States in the Exploration of Outer Space, including the Moon and Other Celestial Bodies, 26 January 1967 (Swedish Treaty Series 1967:7).

2. Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, 22 April 1968 (STS 1969:37).

3. Agreement between Sweden, other Member States of the European Space Research Organization (ESRO) and ESRO on a Special Project concerning the Launching of Rockets, 20 December 1971 (STS 1972:20), prolonged by Agreement, 17 March 1977 (STS 1978:38).

4. Agreement between certain Member States of the European Space Research Organization (ESRO) and ESRO concerning the Execution of an Aeronautical Satellite Programme, 9 December 1971 (STS 1973:56).

5. Agreement between certain Member States of the European Space Research Organization (ESRO) and ESRO concerning the Execution of a Meteorological Satellite Programme, 12 July 1972 (STS 1974:121).

6. Agreement between certain Member States of the European Space Research Organization (ESRO) and ESRO concerning the Execution of a Maritime Satellite Programme - MAROTS, 21 September 1973 (STS 1974:123).

7. Convention on International Liability for Damage caused by Space Objects, 29 March 1972 (STS 1976:35).

8. Convention on Registration of Objects Launched into Outer Space, 14 January 1975 (STS 1976:43).

9. Agreement between certain European Governments and the European Space Research Organization (ESRO) concerning the Execution of the ARIANE Launcher Programme (ELDO), 21 September 1973 (STS 1976:51).

10. Convention for the Establishment of the European Space Agency (ESA), 30 May 1975 (STS 1976:53). 1/

11. Agreement with France on Swedish Participation in the French SPOT Programme, 23 October 1978 (STS 1979:3).

Some of the enumerated multilateral agreements, such as the 1967 Outer Space Treaty, are fundamental for international space co-operation and presuppose that the exploration of outer space shall be carried out for the benefit and in the interest of all countries.

Even though the principle that the exploration and use of outer space shall be carried out for the benefit of all countries is not reiterated in all of our international agreements, it goes without saying that Sweden embraces this principle in accordance with the letter and spirit of the international agreements that Sweden has adhered to. One concrete example of the implementation of this principle is the United Nations Training Course on Remote Sensing Education for Educators, which will be hosted by Sweden later this year.

1/ ESA has assumed responsibility for the former ESRO and ELDO programmes.

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CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

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UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

[12 March 1990]

1. The United Kingdom has entered into the following bilateral agreements in the field of space co-operation:

(a) Memorandum of Understanding with the Government of the Republic of India concerning Collaboration in Space Activities (1981);

(b) Memorandum of Understanding with the People's Republic of China concerning the Collaboration in Space, Science and Technology (1985);

(c) Agreement with the Government of the Soviet Union concerning Co-operation in the Field of the Study, Exploration and Use of Outer Space for Peaceful Purposes (1987).

2. The United Kingdom is also a party or signatory to a number of multilateral agreements, including the Agreement on the Permanent Manned Civil Space Station, the International Maritime Satellite Organization (INMARSAT) Convention (which

contains a provision that some representatives on its Council should be elected with due regard to the interests of developing countries), the International Telecommunications Satellite Organization (INTELSAT) Agreement and the European Organization of Telecommunications Satellites (EUTELSAT) Convention.

3. In addition the Science and Engineering Research Council of the United Kingdom has signed the following memoranda of understanding:

(a) Agreement with the Commonwealth Scientific and Industrial Research Organisation (Australia) for the construction of a long-track scanning radiometer;

(b) Agreements with the National Aeronautics and Space Administration (NASA) of the United States of America and the Federal Minister for Research and Technology of the Federal Republic of Germany for the construction of a ROSAT X-ray satellite;

(c) Agreements with NASA and the Netherlands Agency for Aerospace Programmes for the construction and operation of the infra-red astronomy satellite;

(d) Agreements with the United States and the European Space Agency (ESA) for an international UV explorer satellite;

(e) Agreement with the ESA, Copenhagen University Observatory (Denmark), Lund Observatory (Sweden) and the Danish Space Research Institute to reduce data from the HIPPARCOS satellite.

4. Relevant national legislation is the Outer Space Act 1986, which regulates the United Kingdom's national activities in space for the purpose of enabling the United Kingdom to comply with article VI of the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies and the 1975 Convention on Registration of Objects Launched into Outer Space.

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CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

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TOGO

[Original: French]

[16 March 1990]

The Togolese Government, aware of the importance attached to the exploration of outer space with a view to its peaceful utilization, has ratified most of the legal texts governing the use of outer space and welcomes the results of the work of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space.

With regard, in particular, to General Assembly resolution 44/46 of 8 December 1989 entitled "International co-operation in the peaceful uses of outer space" (item 75 of the agenda of the forty-fourth session), Togo supports the resolution and earnestly hopes that close and effective co-operation will be established among all members of the international community so that outer space will be used for peaceful purposes.

In that connection, all States, especially those which are particularly advanced in space research, should ensure that outer space is not transformed into a vast area of military confrontation.

From that standpoint, any activity relating to outer space, which is part of the common heritage of mankind, should be directed towards exclusively peaceful purposes.

Moreover, the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space should be encouraged to continue its consideration of matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit with a view to ensuring its rational and equitable use.

It should also continue its consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States.

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CZECHOSLOVAKIA 2

GE.90-60512/5915A

CZECHOSLOVAKIA

[Original: English]
[20 March 1990]

Czechoslovakia has been a party to the following international agreements relating to this subject which were duly promulgated in the Collection of Laws of the Czechoslovak Socialist Republic.

(a) The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;

(b) The 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space;

(c) The 1972 Convention on International Liability for Damage Caused by Space Objects;

(d) The 1975 Convention on Registration of Objects Launched into Outer Space;

(e) The 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water;

(f) The 1977 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques;

(g) The 1971 Agreement on the Establishment of the International System and Organization of Space Communications "Intersputnik";

(h) The 1976 Agreement on Co-operation in the Exploration and Use of Outer Space for Peaceful Purposes ("Intercosmos");

(i) The 1978 Convention on the Transfer and Use of Data of the Remote Sensing of the Earth from Outer Space;

(j) The 1976 Convention on the International Maritime Satellite Organization (INMARSAT) and Operating Agreement on the International Maritime Satellite Organization;

(k) The 1982 International Telecommunication Convention (Nairobi); Czechoslovakia also signed the 1989 International Telecommunication Convention (Nice) which has not yet entered into force.

Moreover, Czechoslovakia actively participated in the elaboration and adoption of the sets of principles declared in the following United Nations General Assembly resolutions:

1. Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (Resolution 1962 (XVIII) of 13 December 1963);

2. Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting (Resolution 37/92 of 10 December 1982);

3. Principles Relating to Remote Sensing of the Earth from Outer Space (Resolution 41/65 of 3 December 1986).

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Union of Soviet Socialist Republics 2

GE.90-60529/5971A

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]
[28 March 1990]

The intensification of, and the rise in the number of States with a direct interest in participating in the exploration and utilization of outer space are factors that necessitate qualitative development of the entire sphere of co-operation, a search for new forms of interaction between States in space science and the practical application of space technology and more thorough study of these issues as regards international law. This explains the importance of the new area of work for the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space, consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States. The USSR believes that the conditions are now emerging for the fullest possible realization of the potential for international co-operation, the development of the institutional foundations for such co-operation, and the elaboration of an integrated approach for the effective solution of all the various aspects - scientific, technological, social, economic, ecological and so on - of the major global problem of the conquest of space.

The Soviet Union co-operates in the exploration and use of outer space for peaceful purposes with foreign States and international organizations and as a party to a number of multilateral intergovernmental agreements. It has concluded an appreciable number of bilateral intergovernmental agreements defining areas and forms of co-operation and the organizations responsible for the implementation of joint projects. There is also extensive co-operation on the basis of contracts and agreements concluded through national governmental organs, organizations and scientific institutions.

I. Multilateral co-operation under the INTERCOSMOS programme

INTERCOSMOS is an integrated programme of multilateral co-operation in the exploration and use of outer space; the participants in it are the USSR, Bulgaria, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland, Romania and Viet Nam. The programme was adopted in 1967. For a number of years, the directions in which co-operation was to develop were fixed in accordance with agreements between Heads of Government and by decisions adopted at meetings of representatives of the participating countries and agreements between government departments.

Further to the development of integration in the economic, scientific and technological spheres, representatives of the USSR, Bulgaria, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland and Romania signed an Agreement on Co-operation in the Exploration and Use of Outer Space for Peaceful Purposes on 13 July 1976. This instrument came into force on 25 March 1977 and Viet Nam became a party to it in 1979.

Co-operation of the above kind in the conquest of space is founded on agreed programmes and plans defining the conditions for the conduct of specific experiments and research. A given experiment under such programmes

and plans will involve the participation of organizations from all or some of the countries participating in the INTERCOSMOS programme, depending on their level of interest.

The basic areas of co-operation are: space physics, space meteorology, space communications, space biology and medicine, and the study of the environment with the help of space vehicles.

The co-operation takes various forms: the launch of space objects; the construction of apparatus; experiments flown on geophysical or meteorological rockets; joint observations and research; the holding of consultations and scientific meetings; the exchange of scientific and technological documents and information, etc.

The rocket technology for the implementation of the joint programmes is provided principally by the USSR.

In the course of the INTERCOSMOS programme, major scientific and technological results have been achieved in all the areas of research: fundamental discoveries have been made and unique instruments and devices have been built.

There has been a broad range of research in the area of space physics, including: the building and installation on spacecraft of scientific instruments; the creation of major equipment packages for scientific satellites; the processing of data from, and the creation of data base organization and support systems for space experiments; materials science in space and the development of specialized process equipment for use on board spacecraft. A network of observing stations has been built up in the countries participating in the programme and in a number of other States.

The establishment at Dubna of the Dubna INTERCOSMOS International Experimental Centre for Satellite Communications is a substantial contribution to the efficiency of joint research. The Centre is intended for work in connection with the use of new frequency bands for satellite systems and television broadcasting.

Under the Priroda and Geosistema projects, packages of onboard and ground-based devices for remote sensing of the Earth are being developed to resolve problems affecting the interests of many States.

Flights by citizens of participating countries on Soviet spacecraft and space stations (1978-1981) were an important stage in the INTERCOSMOS programme.

The long-term plans are now being prepared for activities in the period up to the year 2000.

The long-term programme for space physics includes the following: investigation of planets and minor bodies in the solar system (programmes for the study of Mars, the Moon, Venus, the giant planets, comets and asteroids); study of space plasma; extra-atmospheric astronomy (construction in outer space of large telescopes and telescope systems); materials science in space

(fundamental research, the aim of which is to contribute towards the laying of the foundations for the trial production of new materials and, in the longer term, the creation of a space manufacturing unit); the use of space vehicles for geodesy and geography.

II. Multilateral co-operation within the framework of the INTERSPUTNIK International Organization for Space Communications

In November 1971, representatives of the Governments of the USSR, Bulgaria, Cuba, Czechoslovakia, the German Democratic Republic, Hungary, Mongolia, Poland and Romania signed the Agreement on the establishment of the INTERSPUTNIK international space communications system and organization. Viet Nam, Afghanistan, the Democratic People's Republic of Korea, Laos, Nicaragua and Democratic Yemen subsequently adhered to the Agreement.

The purpose of the organization is to co-ordinate the efforts of the member States in the design, building, operation and development of a system for telecommunications via artificial Earth satellites.

INTERSPUTNIK is an open-ended international organization whose features include the presence of legal guarantees for the development of co-operation among all States without restriction and the legal and factual safeguarding of equality of rights as between its member countries. Co-operation agreements have been concluded between INTERSPUTNIK and the International Radio and Television Organization and the International Maritime Satellite Organization (INMARSAT) and between the Directors-General of INTERSPUTNIK and ITU and there exist a number of contracts with foreign countries for the provision of capacity on communications satellites.

III. Co-operation on the basis of bilateral intergovernmental agreements

In 1966, an intergovernmental Agreement on co-operation in the study and use of outer space for peaceful purposes was concluded with France. This instrument provided for the elaboration and execution of a programme of bilateral co-operation in the exploration of space and defined a series of main areas of co-operation. For each of these, joint working groups comprising scientists and specialists from both countries were established. In certain cases, the agreement was supplemented by special interdepartmental agreements.

Pursuant to understandings, Soviet-French crews flew on the Soviet Salyut-Soyuz and Mir-Soyuz space systems in 1982 and 1988 respectively.

A Protocol to the Agreement of 30 June 1966 between the Government of the USSR and the Government of the French Republic on co-operation in the study and use of outer space for peaceful purposes was signed in July 1989. It sets out a list of areas of co-operation, including the study of outer space, space meteorology, aeronomy, environmental research, space medicine and biology, and space communications. The parties stated their intention to develop co-operation in the investigation of the universe and the solar system with the help of space vehicles, with special attention being given to the study of the planet Mars. They also agreed to implement projects for the study of the Earth's radiation balance; to study the possibility of conducting joint experiments to measure atmospheric components, particularly ozone, with the

help of aerostats and space vehicles; and to co-operate in the making of manned flights by adopting a long-term programme on this issue (the next flight by a Soviet-French crew on a Soviet orbital station will take place in 1992). The parties will expand their co-operation in the utilization of re-usable spacecraft for the study of the Earth's environment from space. The programme and conditions of co-operation in the areas referred to in the Protocol will be defined by individual protocols or by specific agreements between the parties.

There has been bilateral Soviet-United States co-operation in the exploration and use of outer space for peaceful purposes since 1958. Initially it took the form of contacts and exchanges between individual scientists and specialists and then it came to be based on agreements between the USSR Academy of Sciences and NASA.

Two intergovernmental agreements concerning co-operation in space were concluded in 1972 and 1977.

A third Agreement between the USSR and the United States of America concerning co-operation in the exploration and use of outer space for peaceful purposes was signed in April 1987. It defines specific areas of, and projects for co-operation; the list of these may be expanded by mutual agreement.

The Soviet Union attaches great importance to the expansion of co-operation in the peaceful use of outer space with developing countries.

Space co-operation with India takes various forms and has a long and successful history.

The Agreement on the further development of economic and trade co-operation between the USSR and India concluded in 1973 contained a general undertaking by the parties to develop and strengthen scientific and technological co-operation, including in the field of space research.

Between 1972 and 1979, three agreements of an interdepartmental nature were signed between the USSR Academy of Sciences and the Indian Space Research Organization (ISRO).

In 1977, a Soviet-Indian station for the observation of artificial Earth satellites was set up on Indian territory. The scientific equipment for this station was provided by the USSR and the countries members of INTERCOSMOS.

The joint flight by Indian and Soviet astronauts on a Soviet spacecraft and space station in 1984 was a logical extension of the two countries' co-operation in science and technology. A series of scientific experiments was carried out during the flight.

The co-operation with ISRO has also included the filling of one and the signing of a second contract for the launch of Indian remote sensing satellites.

A Soviet-Indian intergovernmental Agreement on long-term co-operation in the exploration and use of outer space for peaceful purposes was signed in October 1988. The conclusion of this Agreement raised the co-operation between the two countries to a qualitatively new level.

Currently, joint research is under way in astronomy and astrophysics and consideration is being given to participation by India in a programme of work on the Mir orbital station, in particular, the building and mooring to the station of a specialized module for experiments in astrophysics, microgravitation and so on.

Mention must also be made of the signing in October 1988 of a Protocol between the Governments of the USSR and Brazil on co-operation in the exploration and use of outer space for peaceful purposes. This provides for co-operation between the two countries in the peaceful use of outer space, including research into and the development of spacecraft and systems and the use of carrier vehicles, launch pads, etc. Specialized programmes of co-operation between institutions in the USSR and Brazil will be implemented by means of working protocols supplementing the intergovernmental Protocol.

The projects in which the Soviet Union gives developing countries free assistance in creating opportunities for using space technology for their social and economic development deserve special mention. In a number of cases, agreements concerning such projects have been concluded at the governmental level. Examples include the 1978 Agreement between the Government of the USSR and the Government of the Socialist Republic of Viet Nam on the construction in Viet Nam as a gift from the Soviet Government of an INTERSPUTNIK Earth station and the 1979 Agreement between the Government of the USSR and the Government of Afghanistan on the construction in Afghanistan as a gift from the Soviet Government of an INTERSPUTNIK Earth station.

Recently, the scope of the Soviet Union's co-operation with other States in space matters has been significantly expanded. In the period from 1987 to 1989 alone, the Soviet Union concluded, in addition to the above-mentioned Agreements with the United States, India and France, bilateral intergovernmental agreements on co-operation in the exploration and use of outer space for peaceful purposes with Finland, the United Kingdom, Australia, Brazil, Italy and Canada. These agreements provide for the execution of joint projects and experiments in areas such as solar-terrestrial physics, space astronomy, high-energy astrophysics, radio astronomy, planetology, investigation of the solar system, cosmology, materials science and space biotechnology, space biology and medicine, atmospheric research, satellite communications, geodesy, practical application of remote sensing, environmental research and Earth observation, and research and development regarding spacecraft and systems.

The forms of co-operation are also varied:

Exchanges of scientists, specialists and students;

Promotion of participation in joint research and project work;

Exchange of experience, experimental data and scientific and technological information, apparatus and equipment;

Co-operation in the execution of joint projects for the design, construction and launching of apparatus;

Conduct of joint experiments in orbit;

Joint manufacture of components and systems for use in space;

Institution and development of co-operation between organizations and firms in the participating countries, etc.

The precise lists of the areas and forms of co-operation agreed by the parties are given in the Agreements mentioned above.

Drafting is now in progress of agreements on the peaceful use of space with a number of other States.

An instrument that is ready for signature is an Agreement between the Government of the USSR and the European Space Agency on co-operation in the exploration and use of outer space for peaceful purposes. It provides for co-operation in, for example, fundamental research on migrogravity, study of the solar system, space astronomy and astrophysics, and Earth observation, as well as for joint activities relating to: the exchange of information, data and materials, including equipment; the conduct of joint experiments in orbit; and the execution of joint projects for the design, construction, launching and operation of equipment.

IV. Co-operation with foreign organizations through the USSR Academy of Sciences

In a process which began in the late 1960s, dozens of agreements have been concluded through the USSR Academy of Sciences and the INTERCOSMOS Council with academies of sciences, institutes, research centres and State organizations and organs in numerous countries. These agreements include several concerning the establishment of stations for the photographic optical observation of space objects or the construction and siting in the territories of the foreign States of joint astronomical stations. In 1971, an agreement on the exchange of scientific and technical information was signed with the European Space Research Organization.

In 1972 and 1975, two agreements were concluded with ISRO on the launching by Soviet carrier rockets of Indian artificial Earth satellites. In 1975, an agreement was concluded with ISRO on a joint programme of space research by means of observations from artificial satellites and space objects.

The USSR Academy of Sciences and its subsidiary institutions conclude numerous agreements for the execution of projects relating to fundamental research into outer space and the solar system. For example, the signing took place in July 1987 of an Agreement on scientific and technological co-operation between the Space Research Institute of the USSR Academy of Sciences and the Belgian Institute of Space Aeronomy; this provides for the execution of joint research into planetary physics, space plasma, the physics of the Earth's atmosphere, etc.

Major projects, such as SPEKTR-ROENTGEN-GAMMA and Radioastron, provide examples of the developing course of co-operation. The objects of the first of these projects are long-term work in extra-atmospheric astronomy and the conduct of research and observations of benefit to cosmology, astronomy and the physics of interstellar space. The participants are the USSR, the

United States of America, the United Kingdom, Italy, Canada, France, Finland, Denmark, Switzerland, the Federal Republic of Germany, the German Democratic Republic and Hungary.

The execution of the Radioastron project is making it possible to investigate virtually all types of astronomical objects. The Soviet Union is developing a special satellite that will have a solar power supply, a high-precision stellar guidance system and a high-speed data transmission capability. In addition to the USSR, direct development of the on-board apparatus required for a space radio telescope and of data-processing hardware will be carried out by a consortium of European radio observatories, the Technological University of Finland, the Australian Research Society and the Australian Radio Observatory. The United States has announced that it will participate in the project.

The international co-operation in the above project is being effected on the basis of a number of understandings and agreements.

October 1988 saw the signing of an Agreement between the USSR Academy of Sciences and the Federal Ministry of Scientific Research and Technology of the Federal Republic of Germany on scientific and technological co-operation in the expiration and use of outer space for peaceful purposes. Under this Agreement, bilateral co-operation may extend to such fields as: research into solar-terrestrial physics; space astronomy and astrophysics; the study of the solar system, planets and comets; investigation of the atmosphere and the study of the Earth from space; fundamental research concerning microgravitation; space biology and medicine, etc. The Agreement confirms an understanding in principle that an astronaut from the Federal Republic of Germany will participate in a space flight on a Soviet space vehicle and the Mir orbital station. The conditions for this flight are to be agreed between the competent organizations in the USSR and the Federal Republic of Germany on the basis of a separate understanding.

V. Co-operation in various aspects of the practical application of space technology

1. In 1978, a Convention on the transmission and use of data from remote sensing of the Earth from space was signed in Moscow. The parties to this Convention are the USSR, Bulgaria, Cuba, Czechoslovakia, the Democratic People's Republic of Korea, the German Democratic Republic, Hungary, Mongolia, Poland, Romania and Viet Nam.

The Convention is a major legal instrument which aims at regulating the parties' activities regarding remote sensing with the help of space vehicles and the development of bilateral or multilateral co-operation in the design and development of the requisite remote-sensing hardware and methods. It played a positive role at the time of the establishment of the international legal régime for the handling of remote-sensing data and of the information derived from it.

The USSR State Committee on Science and Technology has concluded agreements on co-operation in remote sensing with the:

Czechoslovak Federal Ministry for the Development of Technology and Capital Construction (1978);

Polish Chief Directorate for Geodesy and Cartography (1978);

Romanian National Council for Science and Technology (1979);

Hungarian State Committee for Technological Development (1979);

Vietnamese State Committee for Science and Technology (1979);

Cuban State Committee for Science and Technology (1979);

State Committee for Science and Technology of the Mongolian Council of Ministers (1981);

Bulgarian State Committee for Science and Technological Progress (1981);

State Committee for Science and Technology of the Korean People's Democratic Republic (1984);

Syrian General Directorate for Remote Sensing (1987);

Lao State Committee for Science and Technology (1988).

These agreements provide that, in the execution of its own national space research programme, the Soviet side will make surveys from space of the territories, territorial waters and continental and island shelves of the countries concerned and subsequently transmit to them the resultant data. They state the parties' consent to the undertaking of joint work on the development, improvement and practical application of remote-sensing methods and aerospace devices for study of the Earth, on the processing and practical use of the resultant data, and on the construction of the equipment required for these purposes. The bilateral agreement with Syria contains a provision on the initial and further training in the USSR of specialists in the processing, interpretation and practical use of remote-sensing data.

In most cases, the practical work in connection with the agreements (the supply of the information radioed to Earth; the development and construction of equipment for processing and interpreting the survey material; the development of methods for processing and using data from space surveys in hydrometeorology and environmental monitoring) is carried out by the USSR State Committee for Hydrometeorology.

Supplying customers with photographs of natural resources taken from space is the responsibility of the Chief Directorate for Geodesy and Cartography (CDGC) of the USSR Council of Ministers. CDGC's foreign-trade organization, Soyuzkarta, has concluded a number of long-term agreements and contracts for the supply of information from space photosurveys with firms and organizations from many countries, including the United States, Argentina, Brazil, Peru and Cuba. Deliveries are being made on a contract basis to Japan, Syria, China, Yemen, Australia, France, Afghanistan and various countries in Eastern Europe and Asia. A long-term contract covering the supply of photo information, space photography and the training of Iranian specialists in organizations attached to CDGC has been signed with the Iranian Centre for Geography and Remote Sensing.

Space photographs are provided at their request to the United Nations and FAO.

2. Under bilateral intergovernmental agreements on scientific and technological co-operation in the study of the upper layers of the atmosphere concluded between the USSR and Bulgaria (1977), Mongolia (1977) and the German Democratic Republic (1978), the USSR State Committee for Hydrometeorology is co-operating with those countries' meteorological services. The agreements provide for: the establishment on the territories of the three States of special stations for joint investigation of the atmosphere by sounding rockets; the organization and conduct of joint research and experiments; the exchange of scientific and technological information relating to the study of the upper layers of the atmosphere; the transmission of observation reports and research findings; technical assistance through the supply of equipment and the secondment and recruitment of specialists; and mutual co-ordination of participation in the activities of WMO and other international organizations.

A Soviet-Indian intergovernmental agreement on scientific and technological co-operation in meteorology and the study of the upper layers of the atmosphere with the help of space technology was concluded in January 1989. It provides for the organization and performance of joint research and integrated expeditions and experiments; the establishment of a joint Soviet-Indian working group for the co-ordination of the research carried out under the agreement; the exchange of scientific and technological information on matters relating to meteorology and the study of the upper layers of the atmosphere; the mutual transmission of initial and processed data and of research findings; assistance in the training of specialists; the provision of technical assistance through the purchase of equipment and the supply of the services of experts under commercial contracts; systematic investigation of the upper layers of the atmosphere and of the ionosphere using ground apparatus, rockets and space vehicles; supply by the Soviet Union of equipment, hardware and materials.

3. The Soviet Union is also developing such areas of co-operation as the exchange of information and the performance of joint work in space biology and medicine. There is extensive co-operation of this kind with France and the United States under intergovernmental agreements. Through the Institute of Medico-biological Problems of the USSR Ministry of Health, numerous agreements have been concluded with foreign institutions, particularly institutes of aviation medicine in the Federal Republic of Germany and India, and the Institute of Biotechnology of the University of Zurich. Some 20 agreements have been signed with East European countries.

4. The USSR State Committee for Space, GLAVKOSMOS, engages in co-operation with government departments and organizations from foreign countries both under intergovernmental agreements on space and under agreements and contracts for the provision by the Soviet Union of services including the launching of satellites for foreign States and international organizations, the conduct of experiments on board Soviet spacecraft, etc.

The USSR is in favour of the extension of international co-operation in the area of joint manned space flights. In 1988-89 alone, astronauts from Bulgaria, Afghanistan and France made flights on Soviet spacecraft and the Mir orbital station. Preparations are now in progress for Soviet-British,

Soviet-Japanese and Soviet-Austrian space flights. The last of these flights will be carried out in accordance with the Agreement between the USSR and Austria on the making of a joint Soviet-Austrian flight, which was signed in October 1988. All the flights will be carried out on a commercial basis. In addition, negotiations are under way concerning a flight by an astronaut from the Federal Republic of Germany, and an agreement has been signed with France providing for the execution of a long-term programme of joint manned flights. The first flight under this programme is planned for 1991 and will also be carried out on a commercial basis.

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CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

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Peru 2

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PERU

[Original: SPANISH]
[2 April 1990]

Peru participated in the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, held in Vienna from 9 to 21 August 1982, at which time it submitted the document entitled "National Monograph by Peru", and has been taking part as an observer in the Committee on the Peaceful Uses of Outer Space (COPUOS).

International legal framework

(a) Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies. In force since 21 March 1979.

(b) Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space. In force since 3 May 1979.

(c) Convention on International Liability for Damage Caused by Space Objects. Signed on 10 April 1972.

(d) Agreement governing the activities of States on the Moon and other Celestial Bodies. Signed by Peru in 1981.

(e) Convention on Registration of Objects Launched into Outer Space. Peru acceded to this Convention on 21 March 1979.

Co-operation agreements

In 1979, the National Committee for Aerospace Research and Development (CONIDA), signed a Co-operation Agreement with the Argentine Republic's National Research Committee (CNIE). This Agreement was given tangible expression with the implementation of the CASTOR-PERU project in March 1979. Subsequently, a space experiment was conducted in the framework of the Agreement with the participation of the Max Planck Institute of the Federal Republic of Germany.

A technological exchange Agreement has been signed with Brazil for image acquisition using LANDSAT and SPOT satellites.

In 1984, Peru and Canada, through CONIDA and the Canadian International Co-operation Agency respectively, signed the PERCEP-II project for the transfer of remote earth sensing technology.

In December 1988, CONIDA signed a Memorandum of Understanding with the Great Wall of China Corporation for co-operation in space matters with the People's Republic of China. Efforts will be made subsequently to conclude an agreement at the Government level in the framework of the Agreement on Scientific and Technological Co-operation signed in January 1988 with a view to realizing the objectives of this Memorandum.

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BRAZIL 2

GE.90-60646/3240a

BRAZIL

[Original: English]
[6 April 1990]

INSTITUTIONAL ASPECTS:

Brazilian space activities had their starting point in the 1960s, when governmental working groups devised the institutional framework within which Brazil's space programme would be implemented, as well as defined the main objectives to be pursued. As a result, the Brazilian Commission for Space Activities came into being as a co-ordinating and policy-making organ, composed of high-level representatives of interested ministries. It is up to this commission, known as COBAE, to lay down general guidelines and priorities and to decide on the main international co-operation programmes.

While COBAE is a high-level inter-ministerial commission entrusted with policy formulation, co-ordinating and overview functions, the task of implementing and carrying out in practice Brazilian space activities falls basically upon the Institute for Space Research (INPE), under the Secretariat for Science and Technology, and the Institute for Space Activities (IAE), under the Ministry of Aeronautics.

BRIEF INFORMATION ON BRAZILIAN SPACE ACTIVITIES:

In the 1960s the main challenge faced by Brazilian authorities was to train human resources in space science and technology. As a result of the efforts made at that time, Brazilian scientists became involved in training programmes and joint scientific experiments with the United States of America, the Federal Republic of Germany, France and Argentina. In addition, The Rocket Launching Site of Barreira do Inferno was established in the north-east of Brazil and sounding rockets for scientific purposes were developed.

In the late 1970s, COBAE concluded that the progress reached in space sciences, space applications and rocket technology allowed for the planning of more complex missions, which would promote the integration, in a single programme, of the main agencies involved in space activities, namely INPE and IAE. It was then that COBAE approved what came to be known as The Brazilian Complete Space Mission (MECB), which provides for the development and construction by INPE of two data collection satellites and two remote sensing satellites, varying from 115 kg to 150 kg in weight, to be launched from a new site to be established in Alcântara by a launching vehicle to be developed by IAE, on the basis of the experience already acquired in the field of sounding rockets. Presently the three main segments of The Brazilian Complete Space Mission - satellites, launching site, and launching vehicle - are in a relatively advanced stage.

INPE nowadays has achieved significant progress in terms of meteorological, atmospheric and other types of space research. It now has important facilities such as a launching centre for stratospheric balloons, The Combustion Laboratory, The Centre for Weather Forecast and Climatic Studies, as well as The Laboratory for Satellite Integration and Tests.

Moreover, the progress reached in the development of reception and processing of meteorological and remote sensing satellite images leads to the distribution of final products to an increasing number of end-users, from both the private and the governmental sectors.

INTERNATIONAL CO-OPERATION:

Given the nature of space activities and the high costs involved, Brazil is convinced that for a developing country to acquire any kind of space capability it is essential to have access to international co-operation. In view of the increasing range of space applications and the growing sophistication involved in space technology, the present trend toward enhanced international co-operation and integration of national efforts is expected to continue and to be further strengthened. Brazil does not stand aloof in the face of the present world situation regarding space activities.

From the beginning, as already pointed out, Brazil received co-operation from many countries with respect to training of human resources. We have now in operation a series of arrangements with other countries on specific joint programmes, covered by framework agreements which lay down the basic principles governing the co-operation to be established. The common element in all of Brazil's agreements is that international co-operation is aimed exclusively at the peaceful uses of outer space. Another important element in Brazil's relations with other countries in the field of outer space is that mutual benefits should be derived, reflecting an adequate balance of interests among the parties involved. Yet another element is that Brazil views its joint space activities with other countries as an integral part and an important ingredient of its foreign policy, in the sense that they are a valuable factor of strengthening relations of trust, openness and friendship. On the basis of all these elements, they can be considered a contribution to international peace and security, as well as to the promotion of social and economic development. In an indicative fashion, follows a list, far from exhaustive, of some arrangements and agreements Brazil maintains with other countries in the field of the peaceful uses of outer space:

- with the United States of America, on the reception and processing of LANDSAT images;

- with France, on the reception and processing of SPOT images;

- with the European Space Agency, on the tracking of the Kourou launched ARIANE rockets from the facilities of The Barreira do Inferno Launching Site;

- with the Union of Soviet Socialist Republics, a framework agreement covering a wide range of space activities;

- with the People's Republic of China, on the joint production of two Earth resource satellites, representing a model of co-operation between two developing countries in a field of high technology;

- with Argentina, Brazil signed, at the highest level, a Declaration creating a joint working group on bilateral co-operation in space activities. It first met in Buenos Aires last November;

- with the Federal Republic of Germany, a number of co-operative arrangements are being carried out under the aegis of the Joint Commission on Science and Technology.

A CONTRIBUTION TO THE DISCUSSION OF ITEM "THE EXPLORATION AND USE OF OUTER SPACE SHALL BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL COUNTRIES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES":

In the last 20 years mankind has observed increasing applications of space activities to a widening range of fields of social and economic development, in some cases in a more direct fashion than in others. The knowledge of the Earth and its resources, an essential element in any development strategy, depends nowadays on satellite obtained images. Such is also the case as far as meteorology and weather forecast are concerned. Satellite telecommunications are indispensable, for instance, for the integration of a country with Brazil's territorial dimensions. These are only a few examples of the importance of space applications for social and economic development. No developing country can presently forsake the option of engaging or participating in space activities lest its development efforts be put in jeopardy.

The question which arises is how to ensure that developing countries have access to the benefits of outer space activities. One could think of different ways according to the degree of involvement in any given activity or application.

First, concerning the final products of a space activity, such as already processed images of remote sensing satellites, ways could be envisaged to allow the access to them by developing countries on a preferential and non-strictly commercial basis.

Second, as far as the development of ground segments of space activities is concerned, rules could be devised providing for the encouragement and strengthening of international co-operation entailing the transfer, on an adequate basis, of the relevant capabilities to developing countries, according to their needs and priorities.

Third, the development of space segments is directly related to ways and means to having access to space itself. In this connection, discussions should be focused on whether the access to the relevant technology and equipment, even on strict commercial terms, should be hindered by considerations which could be regarded as inconsistent with the objective that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, taking into particular account the interests of developing countries.

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CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES

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United States of America 2

UNITED STATES OF AMERICA

[Original: English]
[9 April 1990]

The United States presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the letter from the Secretary-General to the Representative of the United States relating to the recommendations contained in the report of the Legal Sub-Committee of the United Nations Committee on the Peaceful Uses of Outer Space regarding the method of work concerning the agenda item entitled: "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries". In its report (A/AC.105/430, p.14) the Legal Sub-Committee decided upon the following method of work concerning that item:

(a) Consideration of the national frameworks, if any, relating to the development of the application of the principle contained in article 1 of the 1967 Outer Space Treaty in light of the replies received by Governments pursuant to the request of the Secretary-General of 26 September 1988;

(b) Consideration of international agreements that Member States have entered into that are relevant to the principle that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, taking into particular account the needs of developing countries. With a view to facilitating the work of the Sub-Committee, it should be recommended to the General Assembly to request the Secretary-General to seek the views of Member States of this subject prior to the 1990 session of the Sub-Committee;

(c) Consideration of the information obtained on and of the results of the Sub-Committee's review of the subjects referred to in subparagraphs (a) and (b) in a working group to be established not later than at the thirtieth session of the Sub-Committee in 1991;

(d) Continuation of the consideration on the item in the Working Group until the Sub-Committee concludes that a satisfactory outcome of the substantive deliberations has been achieved.

The General Assembly endorsed the recommendations of the Legal Sub-Committee on the proposed method of work, and noted that the Working Group will be established in 1990 and convened in 1991 (A/Res/44/46).

The General Assembly called upon Member States to respond promptly to the requests issued by the Secretary-General in connection with the consideration by the Sub-Committee of the national legal framework, if any, relating to the development of the application of the principle contained in article 1 of the 1967 Outer Space Treaty and with the consideration of international agreements that Member States have entered into that are relevant to the principle that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, taking into particular account the needs of developing countries. The Secretary-General's request regarding national legal frameworks was issued on 26 September 1988. The

Secretary-General's request regarding international agreements was issued on 20 December 1989. The United States responded to the Secretary-General's request regarding national legal frameworks prior to the last session of the Sub-Committee (A/AC.105/C.2/15/Add.1). The United States is pleased to provide the following information regarding international agreements.

INTRODUCTION

Within and as an essential part of the overall legal framework relevant to peaceful exploration and use of outer space, the United States has entered into a large number of international agreements that are relevant to the principle that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, taking particular account of the needs of developing countries. The following is a brief description of the more important of those international agreements.

MULTILATERAL AGREEMENTS

The multilateral agreements entered into by the United States include the principal agreements developed by the Committee on the Peaceful Uses of Outer Space. */

THE TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES, ADOPTED 19 DECEMBER 1966, OPENED FOR SIGNATURE 27 JANUARY 1967, ENTERED INTO FORCE 10 OCTOBER 1967.
18 U.S.T. 2410, T.I.A.S. 6347, 610 U.N.T.S. 205

The Outer Space Treaty provides the international legal foundation for the peaceful exploration and use of outer space. Article I provides that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind. It further provides that outer space shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law; and there shall be free access to all areas of celestial bodies. Finally, article I provides that there shall be freedom of scientific investigation in outer space, and that States shall facilitate and encourage international co-operation in such investigation.

Articles X and XI address the promotion of international co-operation while article XII provides that States parties to the Treaty shall consider on a basis of equality any requests by other States parties to be afforded an opportunity to observe the flight of space objects launched by those States.

Article XI establishes the commitment to inform the Secretary-General as well as the public and the international scientific community of the nature, conduct, location and results of activities in outer space.

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*/ The United States did not sign, ratify or accede to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies.

The practice of the United States in regard to those commitments is reflected both in its national legal framework and the literally hundreds of international arrangements that the United States has entered into since the Treaty came into force.

THE AGREEMENT ON THE RESCUE OF ASTRONAUTS, RETURN OF ASTRONAUTS AND THE RETURN OF OBJECTS LAUNCHED INTO OUTER SPACE, ADOPTED 19 DECEMBER 1967, OPENED FOR SIGNATURE 22 APRIL 1968, ENTERED INTO FORCE 3 DECEMBER 1968. 19 U.S.T. 7570, T.I.A.S. 6599, 67 U.N.T.S. 199

The Rescue of Astronauts Agreement generally establishes the obligation of States Parties to assist in the rescue of astronauts and their return to representatives of the launching States, as well as the return of space objects or their components.

THE CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS, ADOPTED 29 NOVEMBER 1971, OPENED FOR SIGNATURE 29 MARCH 1972, ENTERED INTO FORCE 1 SEPTEMBER 1972. 24 U.S.T. 2389, T.I.A.S. 7762

The Liability Convention elaborates upon the general principle set out in the Outer Space Treaty (art. VIII).

THE CONVENTION ON REGISTRATION OF OBJECTS LAUNCHED INTO OUTER SPACE, ADOPTED ON 12 NOVEMBER 1974, OPENED FOR SIGNATURE 14 JANUARY 1975, ENTERED INTO FORCE 15 SEPTEMBER 1976. 28 U.S.T. 695, T.I.A.S. 8480

The Registration Convention obligates a launching State to establish a register containing information about space objects it launches into orbit or beyond and to inform the Secretary-General of the establishment of that register. The Secretary-General is obligated to maintain a register in which the information provided by launching States is recorded.

PRINCIPLES RELATING TO REMOTE SENSING OF THE EARTH FROM OUTER SPACE, UNITED NATIONS GENERAL ASSEMBLY Resolution 41/64 (3 December 1986), Annex

In addition to the legally binding international agreements developed by the Committee on the Peaceful Uses of Outer Space, the United States would also mention the principles on remote sensing adopted by the Committee. While these principles cannot and do not create binding obligations on States, they establish goals and objectives that all States involved with remote sensing are encouraged to follow. In particular, they reflect conditions that are essential to the growth and development of civil remote sensing activities to the benefit of all countries, irrespective of their degree of economic, social or scientific development, and taking into particular consideration the needs of developing countries (Principle II).

They specifically call upon States carrying out remote sensing activities to promote international co-operation in these activities (Principle V) and identify how such co-operation may be accomplished. They urge States carrying out remote sensing activities to make available to other States opportunities for participation in such activities based upon equitable mutually acceptable terms (Principle V). They encourage agreements or other arrangements to

provide for the establishment and operation of data collecting and storage stations and processing and interpretation facilities in order to maximize the availability of data (Principle VI).

The principles also call for States participating in remote sensing activities to make technical assistance available to other interested States on mutually agreed terms (Principle VII); and to make relevant information regarding remote sensing activities available to the greatest extent feasible and practicable to other States, particularly any developing country that is affected by the programme, at its request (Principle IX). They call for a sensed State to have access to primary data and the processed data concerning its territory on a non-discriminatory basis and on reasonable cost terms as soon as that data are produced and urge a similar commitment in regard to analysed data concerning the sensed State (Principle XII). They also call upon States carrying out remote sensing activities, upon request, to enter into consultations with a State whose territory is sensed in order to make available opportunities for participation and enhance the mutual benefits to be derived (Principle XIII).

In general, these principles establish an international consensus which emphasizes international co-operation and openness.

Finally, the United States believes that the United Nations has adopted by consensus certain other resolutions relating to international co-operation in the peaceful uses of outer space which, while not creating binding legal obligations, have also established goals and objectives for States involved in the peaceful exploration and use of outer space, particularly during the early years of such activities.

For example, the United Nations General Assembly in Part D of its resolution 1721 (XVI) of 20 December 1961, expressed the opinion that "communications by means of satellites should be available to nations of the world as soon as practicable on a global and non-discriminatory basis" and the conviction of the need to prepare the way for the establishment "of effective operational satellite communication".

Another example is resolution 1962 of 13 December 1963, which provided, in relevant part:

1. The exploration and use of outer space shall be carried on for the benefit and in the interest of all mankind.

2. Outer space and celestial bodies are free for exploration and use by all States on a basis of equality and in accordance with international law.

3. Outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

4. The activities of States in the exploration and use of outer space shall be carried on in accordance with international law including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

5. In the exploration and use of outer space, States shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space with due regard for the corresponding interests of other States ...

The United States has entered into a significant number of other multilateral agreements that bear directly or indirectly on the application of the principle that the exploration and use of outer space shall be carried out for the benefit and in the interests of all countries, taking particular account of the needs of developing countries, including the following:

INTERNATIONAL TELECOMMUNICATIONS CONVENTION WITH ANNEXES AND PROTOCOLS. DONE AT NAIROBI 6 NOVEMBER 1982; ENTERED INTO FORCE 1 JANUARY 1984; DEFINITIVELY FOR THE UNITED STATES 10 JANUARY 1986

This Convention is presently the basic instrument of the International Telecommunication Union (ITU). As among States Parties, it abrogates and replaces earlier Conventions (e.g., those done at Malaga-Torremolinos, 1973, and at Montreux, 1965). The purposes of the Union as articulated in article 4 are:

(a) to maintain and extend international co-operation between all members of the Union for the improvement and rational use of telecommunications of all kinds, as well as to promote and to offer technical assistance to developing countries in the field of telecommunications;

(b) to promote the development of technical facilities and their most efficient operation with a view to improving efficiency of telecommunication services, increasing their usefulness and making them, so far as possible, generally available to the public;

(c) to harmonize the actions of nations in the attainment of those ends.

Co-operation in outer space is addressed specifically in article 33, "Rational Use of the Radio Frequency Spectrum and of the Geostationary Satellite Orbit":

1. Members shall endeavour to limit the number of frequencies and the spectrum space used to the minimum essential to provide in a satisfactory manner the necessary services. To that end they shall endeavour to apply the latest technical advances as soon as possible.

2. In using frequency bands for space radio services members shall bear in mind that radio frequencies and the geostationary satellite orbit are limited natural resources and that they must be used efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to both, taking into account the special needs of the developing countries and the geographical situation of particular countries.

The work of the ITU is accomplished through the Plenipotentiary Conference, which is the supreme organ of the Union; Administrative Conferences, which formulate the Administrative Regulations (i.e., the Radio, Telegraph and Telephone Regulations); the Administrative Council, which acts to implement decisions of the Plenipotentiary Conference; and the permanent

organs of the Union - the General Secretariat, the International Frequency Registration Board, the International Radio Consultative Committee, and the International Telegraph and Telephone Consultative Committee. */

RADIO REGULATIONS (GENEVA, 1979)

The Radio Regulations complement the International Telecommunications Convention. The most recent edition was done in Geneva in 1979 and is considered generally applicable although some members of the ITU have neither informed the Secretary-General of the ITU of their approval, nor become party to an International Telecommunications Convention since the entry into force of the Geneva Radio Regulations (a second method of indicating acceptance of the Radio Regulations). The Radio Regulations (Geneva, 1979) have been modified by World Administrative Radio Conferences. However, many members have not yet informed the Secretary-General of the ITU of their approval of these revisions. The United States assumes obligations to the Radio Regulations and any modifications thereto only upon completion of its domestic process and its subsequent notification of acceptance to the Secretary-General of the ITU.

International Telecommunications Conventions require members of the ITU to abide by the provisions of the Radio Regulations (see, for example, article 44 of the Nairobi Convention). Generally, the Radio Regulations establish a world-wide frequency allocation scheme, and provide for a system of international co-operation through the notification, co-ordination and registration of radio stations. Satellites, whether domestic or international, conform to the provisions of the Radio Regulations (except for those satellites exempted by article 38 of the Nairobi Convention and predecessor provisions). Considerable resources are expended by ITU members in the co-ordinationprocess to eliminate harmful interference in the use of the radio frequency spectrum.

TELEGRAPH AND TELEPHONE REGULATIONS (GENEVA, 1973)

These two sets of regulations, like the Radio Regulations, complement the International Telecommunications Convention. ITU members assume obligations with respect to them through the operation of the Convention which includes a provision for members to notify their approval of any revision. The Telegraph Regulations define "international telegraph service" to include not only telegrams but also facsimile, telex, and data transmission. Much of this international traffic is carried over satellite facilities. Both the Telegraph Regulations and the Telephone Regulations lay down general provisions to be observed in offering their respective telecommunication services; they apply so far as the Radio Regulations do not provide otherwise.

One of the fundamental provisions of both sets of regulations provides:

"Administrations or recognized private operating agency(ies) shall co-operate in the establishment, operation and maintenance of the circuits and installations used for the international telegraph [telephone] service to ensure the best possible quality of service."

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*/ The United States has signed but not yet ratified the Constitution and Convention of the ITU which will replace the existing ITU Convention. See annex 1 for a brief description of these new instruments.

Private corporations, government owned corporations, and government entities co-operate to make telecommunication services available worldwide using satellite facilities. The Telegraph and Telephone Regulations provide the international framework for bilateral implementing arrangements (usually commercial contracts) to cover the settlement of monetary accounts and the construction and maintenance of the facilities used to carry international traffic. */

AGREEMENT RELATING TO THE INTERNATIONAL TELECOMMUNICATIONS SATELLITE ORGANIZATION, WITH ANNEXES (INTELSAT). DONE AT WASHINGTON, 20 AUGUST 1971; ENTERED INTO FORCE 12 FEBRUARY 1973.

The INTELSAT Agreement replaced an earlier Interim Agreement and entered into force 12 February 1973. States parties have:

> "the aim of achieving a single global commercial telecommunications satellite system as part of an improved global telecommunications network which will provide expanded telecommunications services to all areas of the world and which will contribute to world peace and understanding (Preamble)."

INTELSAT is a commercial, non-profit organization (although it does provide a return on invested capital to its "Signatories", either a State party or the entity designated by a State party). It is organized in such a way:

> "as to permit all peoples to have access to the global satellite system and those States members of the International Telecommunication Union so wishing to invest in the system with consequent participation in the design, development, construction, including the provision of equipment, establishment, operation, maintenance and ownership of the system (Preamble)."

The Organization operates through an assembly of parties, a meeting of signatories, a board of governors, and an executive organ responsible to the board of governors. INTELSAT has 117 States parties, operates 13 satellites and provides global voice, video, and data services to 173 countries. At least 22 countries use INTELSAT as the primary source of domestic communications.

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*/ The United States has signed but not yet ratified the new Telecommunications Regulations agreed upon at the World Administrative Telegraph and Telephone Conference (WATTC) which will replace the existing Telegraph and Telephone Regulations. See annex 2 for a brief description of this new instrument.

CONVENTION ON THE INTERNATIONAL MARITIME SATELLITE ORGANIZATION (INMARSAT), WITH ANNEX. DONE AT LONDON, 3 SEPTEMBER 1976; ENTERED INTO FORCE 16 JULY 1979.

Fifty-seven States are presently party to the INMARSAT Convention. The purpose of the organization is:

> "to make provisions for the space segment necessary for improving maritime communications and, as practicable, aeronautical communications, thereby assisting in improving communications for distress and safety of life, communications for air traffic services, the efficiency and management of ships and aircraft, maritime and aeronautical public correspondence services and radiodetermination capabilities."

INMARSAT is required to operate on a sound economic and financial basis having regard to accepted commercial principles. Each State party designates a signatory which contributes to the capital requirements of the organization and receives repayment and compensation for the use of capital. Telecommunications administrations and entities, subject to applicable domestic law, negotiate and enter directly into appropriate traffic agreements for the use of the telecommunications facilities (such as satellites) offered by the organization as well as with respect to services to be furnished to the public, division of revenues, and related business arrangements.

INTERNATIONAL COSPAS-SARSAT PROGRAMME AGREEMENT. DONE AT PARIS, 1 JULY 1988; ENTERED INTO FORCE 30 AUGUST 1988.

The COSPAS-SARSAT agreement among Canada, France, the United States and the USSR sets the terms and conditions under which those countries will provide a world-wide satellite system to provide alert and allocation services for maritime, aviation and terrestrial distress and safety as part of the efficient operation of search and rescue activities. Article 2 provides that the parties will make available distress alert and location data from the satellite system on a non-discriminatory basis, while article 6 states that the reception and transmission of distress alert data from the satellite system will be provided free of charge to all States.

CONVENTION ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT. DONE AT VIENNA, 26 SEPTEMBER 1986; ENTERED INTO FORCE 27 OCTOBER 1986, FOR THE UNITED STATES 20 OCTOBER 1988.

This Convention requires a State party to notify States which are or may be physically affected in the event of any accident involving facilities or activities of that State party or persons or legal entities under its control from which a release of radioactive material occurs or is likely to occur and has resulted or may result in an international transboundary release that could be of radiological safety significance to another State (art. 1). For purposes of this notification, such facilities and activities specifically include any nuclear reactor wherever located and the use of radioisotopes for

power generation in space objects (art. 1(2)). Thus, an accident involving a nuclear power source in outer space could be covered by the Convention. In the event of an accident within the meaning of the Convention, the State party must provide the required notification forthwith and must promptly provide available information relevant to minimizing the radiological consequences (art. 2). Moreover, the required information is to be supplemented at appropriate intervals (art. 5(2)).

The Convention also sets out the particulars of the information that is to be provided (art. 5(1)). There is also a requirement that the State party providing information under the Convention respond promptly to a request for further information or consultations sought by an affected State party with a view to minimizing the radiological consequences in that State, as far as reasonably practicable (art. 6).

CONVENTION ON ASSISTANCE IN THE CASE OF A NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY. DONE AT VIENNA, 26 SEPTEMBER 1986; ENTERED INTO FORCE 26 FEBRUARY 1987; FOR THE UNITED STATES 20 OCTOBER 1988.

This Convention is a companion agreement to the Notification Convention and would be applicable to activities relating to the peaceful exploration and use of outer space in so far as an accident involving a nuclear power source in outer space which was covered by the Notification Convention could also cause damage on earth which might be the subject of an assistance request under this Convention. The Convention provides that States parties shall co-operate between themselves and with the International Atomic Energy Agency (IAEA or Agency) to facilitate prompt assistance in the event of a nuclear accident or radiological emergency, as provided for in the Convention on Early Notification, to minimize the consequences and to protect life, property and the environment from the effects of radioactive releases (art. 1(1)). It further provides that States parties may agree on bilateral or multilateral arrangements, or a combination of these, for achieving this objective. It provides that States parties may request the Agency to use its best efforts to promote, facilitate and support co-operation between States parties (art. 1(2)).

The Convention contains provisions setting out the rules that govern the provision of assistance (art. 2); direction and control of assistance (art. 3); requests to the Agency to collect, maintain, and disseminate information relating to materials, equipment and expertise available to deal with nuclear accidents and to assist States parties in preparing to meet such accidents or to obtain assistance when they occur (art. 5); reimbursement of the costs of providing such assistance, including a requirement for prompt reimbursement when assistance is provided, and a provision for transferring costs (art. 7); provision for privileges and immunities where assistance is provided in another State (art. 8); provision for claims and compensation resulting from the provision of assistance (art. 9); and dispute settlement (art. 10).

BILATERAL AGREEMENTS

Bilateral international agreements may take different forms. Thus, in addition to formal State to State agreements that characterize multilateral agreements, many of the bilateral agreements that the United States enters into with other Governments regarding the exploration or use of outer space take the form of a Memorandum of Understanding or an exchange of correspondence between a particular United States agency, such as the National Aeronautics and Space Administration (NASA), and the interested agency of another country.

Bilateral arrangements are by far the most common international agreement into which the United States enters. In the past 25 years the United States has entered into hundreds of such agreements covering virtually every area of space technology. Thus, since 1958, NASA alone has engaged in more than 1,000 co-operative arrangements with over 100 countries. This is in addition to the numerous other agreements concluded by United States agencies such as the National Oceanic and Atmospheric Administration (NOAA).

Other agreements involve the development, launching, and operation of communications satellites, scientific satellites, or Earth sensing satellites. A typical example is the conduct of the Satellite Instructional Television Experiment (SITE) with India, which involves direct broadcast of national development information to rural areas on the Indian Sub-Continent from the NASA ATS-6 spacecraft. NASA has also provided considerable support in the use of geodetic satellites for measurement of tectonic movement.

Many agreements deal with various aspects of remote sensing, including Landsat receiving, processing and data distribution. For example, in the remote sensing field, 14 ground stations outside the United States now receive data on a public, non-discriminatory basis for environmental and resource monitoring.

1 April 1990 is the thirtieth anniversary of the launch of the first United States weather satellite and marks the beginning of international co-operation in global environmental monitoring from space. This programme established the principle that satellite meteorological data should be openly available. Today well over 125 countries own meteorological satellite receiving stations and receive free of charge vitally important data for weather prediction, although formal agreements to receive such data are not required.

Other agreements involve foreign experiments on United States satellites or other launch vehicles, for example, the large number of agreements involving the use of sounding rockets and balloons for upper atmospheric science and astrophysics investigations with countries of South America, as well as the Scandinavian Peninsula and the participation of the international scientific community in the upcoming Mission to Planet Earth.

ANNEX 1

Constitution and Convention of the International Telecommunication Union

At its most recent Plenipotentiary Conference, the International Telecommunication Union adopted a permanent Constitution as its basic instrument and a complementary Convention. While the majority of the provisions remain substantially unchanged from the Nairobi Convention, the following are among the notable modifications:

- The Union undertook to promote, with international financial organizations, the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed at extending telecommunication services to the most isolated areas in countries.

- The Union created a new organ, the Telecommunications Development Bureau (BDT) to facilitate and enhance telecommunications development by offering, organizing and co-ordinating technical co-operation and assistance activities.

- The Union clarified the relationship between the Constitution and Convention on the one hand, and the Radio and Telecommunications Regulations on the other.

- The Union instituted an amendment procedure for the Constitution and Convention as a consequence of their becoming permanent instruments.

- The Union established a high-level Committee to review the structure and functioning of the Union in light of developments in telecommunications.

The Constitution and Convention will enter into force as among parties thereto following the deposit of the 55th instrument of ratification, acceptance, approval, or accession by a member of the Union.

ANNEX 2

International Telecommunications Regulations

In response to the technical development of telecommunications services, the members of the ITU, at a World Administrative Telegraph and Telephone Conference in 1988, drafted new regulations to replace the existing Telegraph and Telephone Regulations. The new International Telecommunications Regulations establish general principles which relate to the provision and operation of international telecommunications services offered to the public as well as to the underlying international telecommunication transport means used to provide such services. They also set rules applicable to administrations and recognized private operating agencies.

The new regulations were established:

"with a view to facilitating global interconnection and interoperability of telecommunication facilities and to promoting the harmonious development and efficient operation of technical facilities, as well as the efficiency, usefulness and availability to the public of international telecommunication services."

Among the specific provisions designed to facilitate international interworking are the following:

- Members undertake to ensure that administrations and recognized private operating agencies co-operate in the establishment, operation and maintenance of the international network to provide a satisfactory quality of service.

- Administrations and recognized private operating agencies shall determine by mutual agreement which international routes are to be used.

- Members undertake to ensure co-operation to provide by mutual agreement a wide range of international telecommunications services.

- Members acknowledged their right to allow administrations, recognized private operating agencies, and other organizations and persons to enter into special arrangements for the establishment, operation and use of special telecommunication networks, systems and services.

The International Telecommunications Regulations will enter into force on 1 July 1990. They will become effective for the United States after the United States notifies the Secretary General of its approval.

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